

Dancer Files Complaint in Whitney Suit

Even Burrows Fontaine Formally Alleges Turfman's Son Is Father of Child and Asks \$1,000,000

Charges Marriage Promise

Decision on Motion to Compel Defendant's Counsel to Accept Service Deferred

Special Dispatch to The Tribune

SARATOGA SPRINGS, Aug. 14.—Complaint in the action of Even Burrows Fontaine, dancer, against Cornelius Vanderbilt Whitney, son of Harry Payne Whitney, in which the dancer asks damages to the extent of \$1,000,000 for alleged breach of promise of marriage, was filed in the Saratoga County Clerk's office in Ballston Spa today by Charles Firestone, of New York City, Miss Fontaine's attorney.

The action of Miss Fontaine against Whitney has been a cause of rumor for more than a year, but it was not until Saturday that it became public property by presentation to the courts.

Appearing before Justice J. V. Borst at a special term of the Supreme Court, Mr. Firestone moved for an order to compel Mr. Whitney's attorneys, Nicoll, Anable, Fuller & Sullivan, to accept service they had refused. Decision on the motion was reserved. Justice Borst delaying action at the request of James A. Leary, attorney of this city, appearing for Mr. Whitney's New York attorneys, until September 9 to permit them to obtain affidavits from Texas, where Miss Fontaine formerly lived.

Only 150 Words in Complaint

The complaint, which contains only about 150 words, makes no mention of the courtship of the couple, except to state that "on or about and between the twenty-fifth day of May, 1919, and the twenty-eighth day of October, 1920, on many and numerous occasions, the plaintiff at the request of the defendant promised to marry him, and the defendant then and there in consideration thereof promised to marry the plaintiff on the thirty-first day of October, 1920."

Continuing the complaint reads: "That the plaintiff, confiding in the defendant's said promise, has always since remained and now is ready and willing to marry the defendant." "That the defendant failed and refused to marry the plaintiff on said thirty-first day of October, 1920, although the plaintiff was ready and willing to marry the defendant." "It has been learned that summons were served upon Harry Payne Whitney and his son in Saratoga Springs last summer and that since that time negotiations have been in progress for a settlement. Miss Fontaine being represented during most of the year by former Senator Edgar T. Brackett, of this city, who withdrew from the case when it was mentioned in the public press against his wishes several weeks ago."

Husband a Suicide

Miss Fontaine, who is in California, spent most of last summer in Saratoga with her baby, whom she calls Cornelius Vanderbilt Whitney Jr. While here she danced at the Grand Union Hotel on several occasions.

Miss Fontaine was married to Sterling Adair, at one time in naval service of the United States. Adair was later found dead in Texas, a coroner's jury giving a verdict of suicide. It has been stated that Miss Fontaine and C. V. Whitney met at ball given by Mrs. W. K. Vanderbilt at the Ritz-Carlton in March, 1919. According to Miss Fontaine they danced until 5 o'clock in the morning, had breakfast together and she saw him off for New Haven, where Whitney was a student at Yale. They met frequently after that, Miss Fontaine states, both in New York and New Haven. He proposed to her at a dinner at the Hotel Vanderbilt in April, 1919, she says, but she refused because she was married to Adair, upon which she says Whitney insisted on having the marriage annulled, he to pay all the expenses. Miss Fontaine said that he repeated his promise to marry her before her mother and grandfather, but that she did not see him after October 28, 1920. She states that he would have married her long ago had it not been for parental objections.

Prisoner Denies Parentage

Of His Father and Mother

Joseph Castropo, twenty-seven years old, of 24 Ward Street, Middle Village, L. I., who was arraigned in Yorkville Court yesterday before Magistrate Edgar V. Frothingham on a charge of disorderly conduct, denied the parentage of his father and mother who were there to plead for him. The father produced a birth certificate showing Joseph was his son, and said that the young man had been self-shocked while serving overseas during the war. When asked if Mr. Castropo were not his parents, the prisoner replied that his parents had died "a long time ago." Magistrate Frothingham committed him to Bellevue Hospital for observation.

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Garland Line Purchases Steamer for \$180,000

The Garland Steamship Corporation has purchased the West Islay, 8,800 deadweight tons, for \$180,000, or \$20.50 a ton, it became known yesterday. This vessel, formerly known as the Imperial Shipping Corporation, was sold at auction in Baltimore Saturday. The Imperial Shipping Corporation is reported to be a subsidiary of the bankrupt Green Star Line. Other bidders for the West Islay were the Luckenbach Steamship Company.

The West Cawthon was bid in by the Shipping Board, to protect its equity, at \$124,000, or \$15 a ton, after the Garland and Luckenbach lines had made offers.

The Norma Steamship Corporation, a subsidiary of the Atlantic Fruit Company, yesterday bought the steamer Norma, 1,310 deadweight tons, from the Shipping Board. The vessel was formerly chartered to the Atlantic Fruit Company by the board. The terms of the sale were not announced.

Automobiles Kill 4 and Injure Many In and About City

Three of the Victims Are Children and One a Bicycleist of Fifty: Four Are Hurt in Collision

Four persons, three of them children, were struck and killed by automobiles in and around the city yesterday and several victims are in hospitals.

Alfred Calucci, six years old, of 2109 First avenue, darted into the street at First and 112th street last night and was struck and killed by a truck driven by John Finnegan, 340 East Thirty-fourth street. The chauffeur was arrested.

Clayton Misericordia, five years old, of 10 East Twenty-first street, Bayonne, died in Bayonne Hospital from injuries received when she was struck by an automobile driven by Richard Ewald, 1118 Avenue C, Bayonne. Ewald's car made a sharp turn to avoid hitting a truck and hit the little girl as she stepped from the curb. The driver is being held.

James Balsario, nine years old, is dead, and his sister, Mary, seven years old, is in critical condition in a hospital, as a result of being struck by a truck while in front of their home in White Plains. The driver of the truck, Ralph D'Amico, was freed in bail of \$3,000 pending the driver's inquest.

Paul J. Dunn, 50 years old, 1155 Fort Avenue, New York, died in New Rochelle Hospital from injuries received when he was knocked down by an automobile while riding a bicycle on Pelham Road. He was manager of a printing establishment at 63 Duane Street, Frank Grace, 274 West Fifty-first street, New York, who operated the car, was paroled until the inquest.

Four occupants of an automobile driven by James McEteer, Jr., of Kew-Forest, son of a former Speaker of the New Jersey Assembly, are in Rahway Hospital from injuries received in a collision with a car driven by A. B. Rader, 8 Roosevelt Avenue, Jersey City.

The police are looking for the driver of an automobile which last night crashed into the taxicab of Michael O'Neil, 3100 Daley Avenue, the driver on the West Drive of Central Park O'Neil and his passenger, Patrolman Henry Haggerty, attached to the chief inspector's staff, were taken to Reconstruction Hospital suffering from injuries, which are said not to be dangerous. The taxicab was badly damaged. The driver disappeared.

Sues for Price Of Bankrupt's Exchange Seat

Trustee for Chandler Bros. & Co. Demands \$90,000, Alleging Conspiracy With Another Wall Street Firm

Bucketing Is Charged

Error of \$1,000,000 Said to Have Revealed True Condition of Concern

Allegations of conspiracy and bucketing are made by Willard P. Barrows, trustee of Chandler Bros. & Company, in bankruptcy, in a suit brought by him to direct the Stock Exchange to turn over to him the proceeds from the sale of the seat of Fred T. Chandler, Jr., said to amount to more than \$20,000. The defendants are the members of the Stock Exchange firm of Clark, Childs & Co., the members of the firm of Chandler Bros. & Co., and the Stock Exchange, the latter being the disinterested holder of the proceeds from the sale and ready to dispose of it as directed by the Supreme Court. The defendants also assert a right to the money.

Mr. Barrows in a suit brought prior to the bankruptcy of the Chandler firm, it did business with Clark, Childs & Co., and from December 10, 1920, they had joint and identical interests, the plaintiff charging that "the false and fraudulent pretense of non-union was essential to the scheme" of which he complains.

Found Error of \$1,000,000 On the latter date, Mr. Barrows alleges, Clark, Childs & Co., discovered that an error of \$1,000,000 had been made in its accounts with the Chandler firm, and that the balance or equity on stocks, bonds and other securities held by Clark, Childs & Co., was \$1,000,000 less than that customarily required in dealings between independent brokers.

Mr. Barrows also alleges that Clark, Childs & Co. knew that the Chandler concern was insolvent but it was necessary for them to hold out the Chandler firm as a "responsible and solvent firm" and that the firms act jointly for mutual benefit and keep the Chandler firm from being known as a bankrupt. Thus, it is alleged, in December, 1920, the defendants entered into a conspiracy to defraud the public by becoming partners in a corrupt plan to obtain sufficient funds to defray the necessary expenses of keeping it a going concern.

Another move in the alleged conspiracy was the organization of a dummy corporation known as the Interstate Assets Corporation to refinance the Chandler firm, to which certain large creditors of the concern assigned their claims so that the Chandler firm could make a claim of solvency.

Bucketing Is Alleged Another necessary detail, it is alleged, was a "corrupt and fraudulent" agreement, which was part of a plan to satisfy the demands of the Business

Cabaret Lid On After Murder In Tenderloin

Police Invade Gay Resorts at One o'Clock and Put an End to Dancing and Festivities

Killing Still a Mystery

Scores of Witnesses Profess Ignorance of Shooting at the La Vie

Children Tossed From Fourth Floor of Hotel

White Sulphur Hotelry and Casino Burn; Fallsburg Also Has a Fire

Special Dispatch to The Tribune

MONTICELLO, N. Y., Aug. 14.—Sullivan County had two big fires early this morning. The Hotel Leona and the adjoining casino were burned at White Sulphur Springs, and Fallsburg had a narrow escape from a conflagration when the lumber yard was destroyed by fire.

Several children were thrown from upper windows of the four-story hotel when the fire broke out there, about 3:45 a. m., but all of them were caught without injury by persons who already had made their escape. There were about 125 staying at the hotel, all of whom got out safely. Firemen were unable to make headway against the flames for lack of water. The loss is estimated at \$40,000.

The lumber yard fire, which was discovered soon after midnight, hurled embers over a radius of several blocks, and householders were busy for hours dousing their roofs with water. Engines were sent from this village, four miles distant, and the firemen extinguished the flames with water pumped from the lake of the Fallsburg Fishing Club.

Takes Air Route to Congress

WASHINGTON, Aug. 14.—Representative Fitzgerald, of Ohio, qualified today as an "aerial daredevil of Congress" by flying the five hundred odd miles from McCook Field, Dayton, to Bolling Field, to be on hand for the convening of the House to-morrow.

The flight was made in a little over four hours, with a stop at Mountsville, Va. Mr. Fitzgerald is a licensed pilot, but the machine used was piloted by Lieutenant Harold Harris, of McCook Field.

The murder of Wallace in front of La Vie restaurant remained unsolved last night, despite the fact that Patrolman Joseph Fry was inside the resort when the shots were fired and Patrolman James Stephens was on duty near the building. Even the examination of Runa Ray, a dancer, who went to the restaurant with three of the men who figured in the shooting, failed to disclose much information of value to Assistant District Attorney Dineen.

Miss Ray declared that her companions were attacked by four men, but that was about all she had to say. Others of the fifty witnesses examined by the prosecutor doubted her story that the four were the assailants. Fry declared that he saw nothing of the actual gun battle, reaching the doorway only in time to see a number of

Street Bandits Get \$1,985 As Pedestrians Stroll By

Payroll robbers got \$1,985.15 yesterday morning from two messengers for the Phalanx Silk Mills, in Jersey City, near the plant. They escaped in a side-car motorcycle.

The messengers were Rudolph Ecker, of 3423 Hudson Boulevard, Jersey City, who carried the canvas money bag, and Charles Falst, of 708 Cortland Street, West Hoboken. They were returning with the money from the Merchants' National Bank at Central Avenue and Hutton Street, Jersey City.

They were near Hudson Boulevard on Irving Street, within a few doors of the silk mill, when two men stepped up to them. Each of the pair had a revolver which he pressed against the side of one of the messengers.

Several persons were nearby, but none of them realized what was going on, the hold-up men shortening their weapons with their bodies and their victims being afraid to make any outcry.

One of the robbers seized the money bag and both turned and fled. Pedestrians turned in mild wonder to watch men capable of such exertion on a warm morning. Ecker and Falst, dazed by the peril which had confronted them so suddenly, gestured frantically and shouted incoherently, but were unable for several minutes to make others understand that they had been held up.

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